



BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS

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BOARD MEETING MINUTES

May 11, 2012

MILPITAS, CALIFORNIA

BOARD MEMBERS

PRESENT:

Todd D'Braunstein, P.T. Member, President
Kevin Baucom, P.T. Member, Vice President
Ling-Ling Chang, Public Member
Victor King, Public Member
Eric Mah, Public Member
John Vertido, L.V.N. Educator Member

BOARD MEMBERS

ABSENT:

Jessica Leavitt, Public Member
Mark Stanfield, L.V.N. Member

STAFF PRESENT:

Teresa Bello-Jones, J.D., M.S.N., R.N., Executive Officer
Cheryl Anderson, Supervising Nursing Education Consultant
Karen Newquist, Enforcement Division Chief
Pam Hinckley, Nursing Education Consultant
Mark Ito, Licensing Program Analyst
Linda Ruyters, Administrative Analyst
Laura Freedman Eidson, Legal Counsel, Department of Consumer Affairs
Simone Renteria, Legal Counsel, Department of Consumer Affairs

1. CALL TO ORDER

The meeting was called to order by the President, Todd D'Braunstein, at 9:05 a.m., May 11, 2012, at the Embassy Suites Milpitas – Silicon Valley, 901 East Calaveras Boulevard, Milpitas, CA 95035.

2. PLEDGE OF ALLEGIANCE

Board Vice President Kevin Baucom led those assembled in the Pledge of Allegiance.

3. INTRODUCTION OF BOARD MEMBERS AND STAFF

The Board Members introduced themselves. Teresa Bello-Jones, Executive Officer (EO), introduced the staff present.

4. INTRODUCTION OF ACCREDITED AND APPROVED SCHOOLS REPRESENTED AT MEETING (BASED UPON VOLUNTARY SIGN-IN LIST) The following programs voluntarily signed in and were recognized by the Board President:

Approved Programs

Advanced College
American Career College, Ontario
American College of Nursing
Annenburg School of Nursing, Reseda
Bay Area College of Nursing, Daly City
Bay Area College of Nursing, Palo Alto
Bethesda University of California
California Career Institute
California Nurses Educational Institute
Carrington College California, San Jose
Community Based Education & Development
Concorde Career Colleges
Gurnick Academy of Medical Arts, Fresno
Healthcare College of California
High Desert Medical College, Lancaster
Institute of Technology

Kaplan College, Sacramento
NCP College of Nursing, Hayward
NCP College of Nursing, South San Francisco
North West College, Pomona
North West College, Riverside
North West College, West Covina
Oikos University, Oakland
Sierra Pacific Vocational Nursing Program
Soledad Adult School / Mission Trails ROP
Southern California Medical College
St. Francis Career College, Lynwood
St. Francis Career College, San Jose
Trinity Vocational Center
Unitek College, Fremont
Valley College of Medical Careers
West Med College, Merced

Proposed Programs

Advanced Medical School of Nursing
Charter College, Long Beach
Institute of Technology

5. BOARD PRESIDENT'S MESSAGE: MEETING AND PUBLIC COMMENT PROCEDURES

Mr. D'Braunstein read a special notice addressing the Board's legal mandate and procedure to have an issue placed on the Board Meeting agenda. He announced that public comment is welcome on any open agenda item prior to the Board's discussion; however, no action may be taken at this time and the Board may limit the length of time allowed for comment.

6. EXECUTIVE OFFICER'S REPORT

Ms. Bello-Jones provided an update on Board activities relative to:

- Board Member Vacancies
- Budgets
- Administrative Division
- Education Division
- Licensure Examinations
- Liaison Activities
- Personnel
- Customer Service Surveys

Public Comment:

- Tricia Hunter, American Nurses Association (ANA), commented that the Board's positions are not funded by the General Fund and encouraged the schools in the audience to attend Budget hearings.

Board Discussion:

- Mr. Mah asked if the Board's vacancies would be declining soon, if good applicants are applying, and whether there is a hiring freeze. The EO responded that the hiring process now requires both the Department of Consumer Affairs (DCA) and Department of Personnel Administration (DPA) approvals; currently, there is no hiring freeze.

7. CONSENT CALENDAR ITEMS

- A. Adoption of February 22-24, 2012, Board Meeting Minutes
- B. EO's Report on Decisions for Vocational Nursing (VN) and Psychiatric Technician (PT) Programs

Public Comment:

- None received.

Board Discussion:

- Mr. Vertido pointed out that the Board Member Workshop Minutes, Board Special Session Minutes, and Regular Board Meeting Minutes incorrectly identified Board Member Mark Stanfield as a Public Member.

MOTION: To adopt the February 22-24, 2012 Board Meeting Minutes with the corrections to Mark Stanfield's status from Public Member to Licensed Vocational Nurse (LVN) Member and adopt the EO's Report on Decisions for VN and PT Programs.

Moved/Seconded: Ling-Ling Chang/John Vertido

Support: 6 Oppose: 0 Abstain: 0

8. 2012 STRATEGIC PLAN

Linda Ruyters, Administrative Analyst, presented the 2012 Strategic Plan with the following highlights:

- Executive Summary
- Mission Statement
- Core Beliefs
- Internal Assessment Summary
- External Assessment Summary
- Board Goals and Objectives
- Resource Assumptions
- Financial Information and Staff Positions
- 2011 Accomplishments

Public Comment: None received.

Board Discussion: None received.

MOTION: To approve the 2012 Strategic Plan.

Moved/Seconded: John Vertido/Kevin Baucom

Support: 6 Oppose: 0 Abstain: 0

9. LEGISLATIVE REPORT

Linda Ruyters, Administrative Analyst, reported that there are 31 legislative bills being tracked. The bills are Assembly Bills, 338, 1504, 1537, 1588, 1904, 1914, 1932, 1969, 1976, 1982, 2041, 2090, 2091, 2213, 2370, 2389, 2401, 2458, and 2570; and Senate Bills 60, 103, 122, 975, 1099, 1165, 1374, 1381, and 1520.

Public Comment: None received.

Board Discussion: None received.

MOTION: To accept the legislative report.

Moved/Seconded: Victor King/John Vertido

Support: 6 **Oppose:** 0 **Abstain:** 0

10. ENFORCEMENT DIVISION REPORT

Karen Newquist, Enforcement Division Chief, presented the Enforcement Division Report relative to the following:

- Enforcement Performance Measures.
- Proposed Regulatory Action to Implement Elements of the Consumer Protection Enforcement Initiative (CPEI). The regulatory changes were approved by the Office of Administrative Law (OAL) and are effective June 3, 2012.
- Update on the implementation and development of the new Investigations Unit. Field investigations commenced on April 23, 2012.
- Meeting with DCA Division of Investigation.
- Enforcement Division Vacancies.
- Overtime.
- Enforcement Division General Statistics.

Public Comment: None received.

Board Discussion:

- Mr. Mah stated he would like the statistics report to include separate data for the average processing time of high priority cases. He also requested that the data in the statistics report be calculated using "median" instead of "average" data.
- Mr. King expressed concern with separating statistical data regarding cases into high and low priority categories. He stated he is fine with using the current metrics which is similar to other boards.
- Mr. Baucom stated that it is understood high priority cases take precedent and separating them out should not be included in the report.

MOTION: To accept the report.

Moved/Seconded: Kevin Baucom/Victor King

Support: 6 **Oppose:** 0 **Abstain:** 0

11.A. PROPOSED REGULATORY ACTION TO IMPLEMENT AB 2699, SPONSORED HEALTH CARE EVENTS.

Mark Ito, Licensing Program Analyst, provided an update regarding the Board's proposed regulations to implement Assembly Bill 2699, which authorizes the establishment of regulations to allow a health care practitioner, licensed in one or more states, but not in California, to participate in free health care events in California. February 7, 2011, the Board submitted the rulemaking file to the OAL, and subsequently withdrew the file on March 13, 2012 to clarify the delegation of authority, include a cost analysis, and make non-substantive changes to the text and forms. On April 5, 2012, the Board posted a 15-day notice of modifications to the regulatory language. No written comments were received during the 15-day comment period, which ended on April 20, 2012.

Public Comment: None received.

Board Discussion:

- Mr. Vertido and Mr. Mah asked questions regarding the processing timelines for the sponsoring entity and out-of-state practitioner applications. The processing timeline is ninety (90) calendar days for the sponsoring entity application and twenty (20) calendar days for the out-of-state practitioner.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve the proposed modified language to amend Division 25 of Title 16, California Code of Regulations, to add Sections 2557, 2557.1, 2557.2 and 2557.3 (VN Regulations) and add Sections 2595, 2595.1, 2595.2 and 2595.3 (PT Regulations).
2. Direct staff to submit the rulemaking file to the DCA and to the OAL for final approval; and,
3. Authorize the EO to make non-substantive changes as are required by the DCA and OAL.

Moved/Seconded: Kevin Baucom/John Vertido

Support: 6 **Oppose:** 0 **Abstain:** 0

11.B.PROPOSED REGULATORY ACTION TO IMPLEMENT SB 1441, UNIFORM STANDARDS FOR SUBSTANCE-ABUSING LICENSEES AND REVISION OF DISCIPLINARY GUIDELINES.

Ms. Newquist provided an update on the proposed regulatory action. On May 8, 2012, DCA legal counsel met with staff to review the proposed regulations for conformance with the requirements of the DCA's April 5, 2012 opinion. It was determined that the proposed regulations are not in conflict.

Public Comment:

- Tricia Hunter, ANA, stated it is her opinion that the Attorney General's letter is misleading and will set Boards up for lawsuits.

Board Discussion:

- Mr. Mah stated he is uneasy with "rubber-stamping" something when there are concerns; with voting to adopt something that the Board is required to adopt; and that, if the Board adopts, it will lose discretion. Ms. Freedman Eidson referenced Business and Professions (B&P) Code, Section 315, which requires that they use the standards, and that the proposed regulation provides for rebuttal by the licensee. Mr. Mah stated he was still concerned with the 52 tests per year.
- Ms. Chang expressed that she was comfortable proceeding and that this is what the Board had been doing.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve the regulatory proposal to amend Division 25 of Title 16, California Code of Regulations (CCR), to amend Sections 2524 (VN Regulations) and 2579.10 (PT Regulations).
2. Direct staff to submit the rulemaking file to the DCA and to the OAL for final approval; and,
3. Authorize the EO to make non-substantive changes as are required by the DCA and the OAL.

Moved/Seconded: Ling-Ling Chang/John Vertido

Support: 5 **Oppose:** 0 **Abstain:** 1

11.C.PROPOSED REGULATORY ACTION TO IMPLEMENT SB 539, PERMISSIVE SITE VISITS.

Linda Ruyters, Administrative Analyst, provided information to explain the need for moving forward with regulatory revisions to implement statutory change.

Public Comment: None received.

Board Discussion: None received.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve the regulatory proposal to amend CCR, Title 16, Division 25, Chapter 1, Article 5, Sections 2526 (c) and 2526 (f).
2. Direct staff to submit the Rulemaking File to the DCA and to the OAL.
3. Authorize the EO to make non-substantive changes as are required by the DCA and the OAL.

Moved/Seconded: John Vertido/Kevin Baucom

Support: 6 **Oppose:** 0 **Abstain:** 0

11.D.PROPOSED REGULATORY ACTION TO IMPLEMENT SB 539, MANDATORY REPORTING REQUIREMENTS.

Ms. Ruyters provided information to explain the need for moving forward with regulatory revisions to implement statutory change.

Public Comment: None received.

Board Discussion:

- Mr. Baucom inquired as to employer notification of the requirement and the impact of the proposed regulations on employee unions. Ms. Freedman Eidson responded that OAL's established procedure for adoption of regulations includes publication of the proposed regulations and a public comment period, and that this was the beginning of the process.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve the regulatory proposal to amend Division 25 of Title 16, CCR, to amend Sections 2520.5 and 2523.2 (VN Regulations) and 2577.6 and 2579.4 (PT Regulations).
2. Direct staff to prepare a rulemaking file for notice and comment.
3. Authorize the EO to make changes consistent with the intent of the above proposal.

Moved/Seconded: John Vertido/Kevin Baucom

Support: 6 **Oppose:** 0 **Abstain:** 0

12. EDUCATION DIVISION REPORTS REGARDING VN & PT PROGRAMS

12.A.1. Academy of English Language VN Program – Reconsideration of Provisional Approval

Cheryl Anderson, Supervising Nursing Education Consultant (SNEC), reported that the Board had received correspondence on April 27, 2012, from Dr. Michael Rahni, President of Richfield College, which operates the Academy of English Language VN Program, requesting the program's removal from the Board's List of Approved Programs.

Dr. Rahni stated that the program has no currently enrolled students and that the school neither had nor enrolled VN students since its October 12, 2011, approval by the Bureau for Private Postsecondary Education (BPPE). Dr. Rahni also notified BPPE of the decision.

The program has been removed from the Board's List of Approved VN Schools. Should the school desire to offer a VN program in the future, the school must seek approval.

Ms. Freedman Eidson confirmed that no further action is required by the Board.

12.A.2. Community Based Education & Development College VN Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students.

Ms. Anderson reported that the Board placed the program on provisional approval on May 20, 2010 due to noncompliance with regulatory requirements relative to licensure pass rates. On May 20, 2011, the Board extended the program's provisional approval. Since initial placement on provisional approval, the program's performance statistics evidence an improvement of 7 percentage points. The program requests approval to admit 15 students into a non-degree class commencing May 21, 2012, and graduating September 7, 2013, to replace students who graduated March 26, 2012.

Program Representative:

Alice Sorrell-Thompson

- Ms. Sorrell-Thompson reported the program had changed its admissions criteria. Further, she reported that the program's screening and selection criteria have been changed to include a requirement for applicants to complete ATI assessment tests. Ms. Sorrell-Thompson reported the program has submitted requested reports. She requested the Board approve the program's request for class admission to allow the program to test its revised admission, screening, and selection criteria.

Public Comment: None received.

Board Discussion:

- Mr. Baucom asked if the program is offering NCLEX preparation for their students. Ms. Sorrell-Thompson confirmed the program offers NCLEX preparation workshops and that students who complete the workshop have an 80% predictability of success on the NCLEX/PN®.
- Mr. Baucom expressed concern regarding the lack of consistency in the program's pass rates.
- Mr. Vertido asked for clarification of the composition of the ad hoc committee that was recommending what changes the program should make. Ms. Sorrell-Thompson responded that the committee is comprised of faculty members.
- Mr. Vertido also commented on the thoroughness of the report submitted by the program.
- Ms. Freedman-Eidson suggested deleting by "May 31, 2012" from recommendation #2.

MOTION: To adopt the report and the amended recommendations as follows:

1. Extend provisional accreditation of the Community Based Education & Development College VN Program for the one-year period from June 1, 2012 through May 31, 2013, and issue a notice to the program to identify specific areas of noncompliance and requirements for correction as referenced in Section 2526.1 (e) of the CCR (see Attachment N).
2. Require the program to bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate for four (4) consecutive quarters.
3. Deny program's request to admit 15 students into their non-degree class commencing May 21, 2012 and graduating September 7, 2013 to replace students who graduated March 26, 2012.
4. Require the program to demonstrate incremental progress in improvement of its pass rates on the NCLEX/PN®.
5. Require the program to submit a follow-up report in 9 months, but no later than February 1, 2013. The report must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis:
 - a. Current Student Enrollment.
 - b. Admission Criteria.
 - c. Screening and Selection Criteria.

- d. Terminal Objectives.
- e. Curriculum Objectives.
- f. Instructional Plan.
- g. Theory and Clinical Objectives for Each Course.
- h. Lesson Plans for Each Course.
- i. Textbooks.).
- j. Attendance Policy.
- k. Remediation Policy.
- l. Evaluations of Theory and Clinical Faculty.
- m. Evaluations of Theory Presentations.
- n. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
- o. Evaluation of Student Achievement.

Failure to show progress shall constitute cause for revocation of provisional accreditation.

6. Continue to require the program to admit no additional classes without prior approval by the full Board.
7. Require the program to comply with all accreditation standards in article 4 of the VN Practice Act, commencing at B&P Code section 2880, and article 5 of the Board's regulations, commencing at CCR, Title 16, Section 2526.
8. Place the program on the May 2013 Board Meeting agenda for reconsideration of provisional accreditation.

Moved/Seconded: Ling-Ling Chang/Kevin Baucom

Support: 6 Oppose: 0 Abstain: 0

12.A.3. Soledad Adult School/Mission Trails VN Program – Reconsideration of Provisional Accreditation

Pam Hinckley, Nursing Education Consultant (NEC), reported that the program had been placed on provisional approval on September 9, 2011 due to noncompliance with regulatory requirements relative to the lack of active program administration by a director and implementation of major curricular changes without prior approval by the Board. On February 24, 2012, the Board extended the program's provisional approval for three months and directed the program to obtain a Board-approved Program Director.

On March 5, 2012, a new program director was approved and sent the Board's New Director Orientation for completion. On April 5, 2012, the Board received a telephonic message from the school's consultant, stating that the director had chosen not to take the position.

On May 7, 2012, the Board received an application for program director. As presented, the application is incomplete. To date, the program has had a director for a total of 41 days in the last 20 months while students were enrolled.

Program Representatives:

Denise Estrella, Lynda Coyne, Dineen Newman

- L. Coyne distributed copies of the program's calendar for students' completion of the program to Board members and staff. She reported that the program has submitted an application for director and all required documents to the consultant. Ms. Coyne reported that Helen Taylor, director of Professional Medical Careers Institute (PMCI) VN Program, had offered her services on a part-time basis as the program's director. Ms. Taylor has expressed her willingness to assist in recruiting a permanent, full-time program director for Soledad and has introduced the program to several on-line professional recruitment websites. Ms. Coyne requested the Board follow the calendar presented by Ms. Taylor. The calendar is a schedule of proposed classes and clinicals.

Public Comment: None received

Board Discussion:

- Mr. Vertido asked how often the proposed director would be at Soledad as it is a five hour drive from the PMCI location.
Ms. Coyne responded the director would be at Soledad two days per week and conduct clinical classes every other Friday.
- Mr. Baucom asked if the length of the program is 90 weeks.
Ms. Coyne responded the program is 2.5 years in length with classes every weekend. She stated the program has been unable to retain faculty due to this schedule.
- Mr. Mah asked for the number of students the program currently has enrolled.
Ms. Coyne responded that 15 students were enrolled. She further stated that students hadn't been in class since 9/24/11 and each student is missing 89-150 hours of instruction required for graduation. She is unsure of the number of students who will return to the program.
- Mr. Mah inquired as to students' tuition.
Ms. Coyne stated that students were charged \$5,000 per Module for a maximum of \$10,000. Students incurred no costs for Module III.
Ms. Newman stated the district's intent is to complete the program for the students as it is the right thing to do.
- Mr. Baucom recommended the program consider reducing the length of the curriculum.
- Mr. King asked staff if the Board revoked the program's provisional approval, at one point could the program be restarted. He also expressed skepticism of the program since they'd been before the Board before with the same request.
Ms. Anderson and Ms. Hinckley responded that, pursuant to CCR 2526.1(h), the program would be required to reapply for commencement of a new program after one (1) calendar year. Mr. King thought the one year might be what the program needed to get back on track.
- Mr. Baucom indicated he would be inclined to give the program a third chance, but would defer to the Board.
- Mr. Mah asked if a student was present and asked if she would be willing to speak publicly about the program.

Alaina Klosterman, a student from the program spoke to the Board and said:

- She does not agree with information reported by the school.
 - The students are tired of all the drama associated with this program.
 - The students have not been in a classroom since September 24, 2011 and her skills were stale.
 - Out \$10,000, now students have to go back to "square 1 and start all over."
 - She would like to have a refund and move on with her life.
- Mr. Vertido stated that he thinks the program should take a year to get their problems figured out, take time to fix them, and then return to the Board.

MOTION: To accept the report and adopt the recommendations as follows:

1. Revoke Accreditation for the Soledad Adult School, VN Program, effective immediately.
2. Remove the program from the Board's List of Approved VN Programs.

Moved/Seconded: Ling-Ling Chang/Eric Mah

Support: 5 **Oppose:** 0 **Abstain:** 1

12.A.4. Bethesda University of California VN – Consideration of Placement on Provisional Approval; Request to Admit Students

Ms. Hinckley reported that the program is presented to the Board for placement on provisional approval due to noncompliance with regulatory requirements relative to licensure pass rates. The program's current average annual pass rate of 29% is 45 percentage points below the state average annual pass rate.

Ms. Hinckley reported that the program has admitted thirteen (13) classes, to date. Seven of the 13 classes were admitted without prior approval by the Board. A notice of violation was sent to the program on May 3, 2010, when the program admitted the first unapproved class. The program submitted a plan to prevent a future reoccurrence.

Since that time, an additional six classes were admitted without prior Board approval. Five of the six unapproved classes were moved from Stanton University to Bethesda University. Four of the classes were part-time and one was full-time. The sixth class was an additional part-time class that was initiated at Bethesda University. As such, seven of the thirteen classes were not approved by the Board. Additionally, Board records substantiate that the program was approved for full-time classes only.

Program Representatives:

Nanyun Lee, Director, and Bill Schifferli, Chief Executive Officer VN Program

- Ms. Lee reported she began employment as director on March 26, 2012. On April 16, 2012, the program's plan of correction was submitted, addressing all program elements from entrance to exit. She reported that 90% of the student population were classified as English as Second Language.
- Mr. Schifferli reported that the program had been sabotaged by a prior director who took instructors and students. This led to the program's sale to Bethesda University. He stated that the program admitted classes without approval as they needed the additional students to get cash in order to keep their doors open. Further, he stated that the President had removed the program's Sallie Mae funding without notice. However, students are now eligible to receive Pell Grants. He reported that new classrooms and a skills laboratory have been added. Students had to travel 45 minutes to the new location and this has affected the pass rate.

Public Comment:

- Margarita Valdez, Unitek College, stated she applauded the instructors who left the school. She stated "Schools like this give other schools a bad name."

Board Discussion:

- Mr. Baucom stated the program's actions demonstrate a knowingly flagrant disregard for Board regulations. Such actions do not support the program's request for leniency.
- Mr. Vertido cited the program's repeated admission of unapproved classes. Mr. Vertido stated that the program's actions were representative of the school's lack of integrity. Programs are expected to be role models for their students and to do the right thing even when no one is watching. The program's actions clearly confirm this did not occur.
- Mr. Mah stated federal funds were removed to prevent predatory student loans and told the program their actions suggest they are a predatory school.
- Ms. Freedman Eidson suggested removing the date from recommendation #4.

MOTION: To accept the report and adopt the amended recommendations as follows:

1. Deny Bethesda University VN Program's request to admit a full-time class of 30 students commencing on July 17, 2012, graduating June 19, 2013, to replace students who transferred to Bethesda University from Stanton University.
2. Deny the program's request to admit a part-time class of 30 students on June 11, 2012, graduating December 13, 2013, to replace students who transferred to Bethesda University from Stanton University.
3. Place Bethesda University VN Program on provisional approval for the two-year period from May 11, 2012, through May 31, 2014, and issue a notice to the program to identify specific areas of noncompliance and requirements for correction as referenced in Section 2526.1 (e) of the CCR (see Attachment F).
4. Require the program to bring its average annual pass rate to no more than ten percentage points below the State average annual pass rate.
5. Require the program to admit no additional students without prior approval by the full Board.
6. Require the program to submit follow-up reports in nine months, but no later than February 1, 2013, and 21 months, but no later than February 1, 2014. The reports shall include a comprehensive analysis of the program, specific actions taken to improve program pass rates, time line for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.
 - a. Admission Criteria.
 - b. Screening and Selection Criteria.
 - c. Terminal Objectives .
 - d. Curriculum Objectives.
 - e. Instructional Plan .
 - f. Theory and Clinical Objectives for Each Course.
 - g. Lesson Plans for Each Course.
 - h. Textbooks.
 - i. Attendance Policy.
 - j. Remediation Policy.
 - k. Evaluations of Theory and Clinical Faculty.
 - l. Evaluations of Theory Presentations.
 - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
 - n. Evaluation of Student Achievement.
 - o. Current Enrollment.
7. Require the program to comply with all accreditation standards in Article 4 of the VN Practice Act, commencing at B&P Code Section 2880, and Article 5 of the Board's Regulations, commencing at CCR, Title 16, Section 2526.
8. Require the program to demonstrate substantive incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
9. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
10. Place the program on the May 2014 Board agenda for reconsideration of provisional approval.

Moved/Seconded: John Vertido/Kevin Baucom

Support: 6 **Oppose:** 0 **Abstain:** 0

12.A.5. Oikos University VN Program – Consideration of Placement on Provisional Approval

Ms. Anderson reported that the program was presented to the Board for placement on provisional approval due to noncompliance with regulatory requirements relative to licensure pass rates.

Board records and submitted information confirm that the program admitted three classes without prior approval by the Board. The program is noncompliant with regulatory requirements set forth

in CCR Section 2530 (k). It is also noted that the program was cited for the same violation during the September 28 – 29, 2009 survey visit.

Program Representative:

Ellen Cervellon, Director

- Ms. Cervellon thanked the Board for their understanding and prayers during the criminal activity that occurred at the school on April 2, 2012. Further, she apologized for the late submission of requested documents and information.

Public Comment: None received.

Board Discussion:

- Mr. D'Braunstein offered sympathy over the school's recent tragedy.
- Mr. Mah asked Ms. Cervellon if the program found the recommendations reasonable. Ms. Cervellon responded affirmatively. She was looking at the entrance exam, as it was too easy before.
- Mr. Baucom asked the director if students complete the licensure examination in close proximity to graduation. Ms. Cervellon responded that students do not complete the licensure examination in close proximity to graduation. Further, she added that the program's current admission criteria require candidates for admission to complete the Wonderlic assessment examination. In the future, the program plans to implement use of ATI testing, introduce NCLEX style test questions, and add a registered nursing review course.
- Mr. Baucom asked the size of currently enrolled classes. Ms. Cervellon responded of the twelve students enrolled in Term III, six were killed on April 2, 2012. Six students remain. Sixteen students are enrolled in the second class.

MOTION: To accept the report and adopt the amended recommendations as follows:

1. Place Oikos University VN Program on provisional approval for the two-year period from May 11, 2012 through May 31, 2014 and issue a notice to the program to identify specific areas of noncompliance and requirements for correction as referenced in Section 2526.1 (e) of the CCR (See Attachment G).
2. Require the program to bring its average annual pass rate to no more than ten percentage points below the State average annual pass rate.
3. Require the program to provide the Board with current enrollment information, current faculty and facility information, documentation demonstrating the clinical rotation schedules for all current classes and an analysis of the program's correctional plan submitted on May 30, 2011 and November 1, 2011 by June 1, 2012.
4. Require the program to obtain approval by the full Board approval prior to the admission of any additional students.
5. Require the program to submit follow-up reports in nine months, but no later than February 1, 2013, and 21 months, but no later than February 1, 2014. The reports must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.
 - a. Admission Criteria.
 - b. Screening and Selection Criteria.
 - c. Terminal Objectives.
 - d. Curriculum Objectives.
 - e. Instructional Plan.
 - f. Theory and Clinical Objectives for Each Course.

- g. Lesson Plans for Each Course.
 - h. Textbooks.
 - i. Attendance Policy.
 - j. Remediation Policy.
 - k. Evaluations of Theory and Clinical Faculty.
 - l. Evaluations of Theory Presentations.
 - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
 - n. Evaluation of Student Achievement.
 - o. Current Enrollment.
9. Require the program to comply with all accreditation standards in Article 4 of the VN Practice Act, commencing at B&P Code Section 2880, and Article 5 of the Board's Regulations, commencing at CCR, Title 16, Section 2526.
 10. Require the program to demonstrate incremental progress in correcting the violation. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
 11. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
 12. Place the program on the May 2014 Board agenda for reconsideration of provisional approval.

Moved/Seconded: Kevin Baucom/John Vertido

Support: 6 **Oppose:** 0 **Abstain:** 0

12.A.6. Sierra Pacific VN Program – Consideration of Placement on Provisional Approval; Consideration of Request to Admit Students

Ms. Hinckley reported that the program is presented to the Board for placement on provisional approval due to noncompliance with regulatory requirements relative to licensure pass rates.

No students are enrolled in classes, at this time. Approval of a class of 15 students will allow the program the opportunity to implement the identified plan to increase pass rates, carefully track student's performance, perform a comprehensive analysis of the curriculum, identify required improvements, and develop or augment the existing plan to address the extremely low licensure pass rates.

Program Representative: None present.

Public Comment: None received.

Board Discussion:

- Mr. Vertido asked the NEC if it is true the program is using their own entrance exam and if there is a direct correlation between the entrance exam and the poor performance of the program. Ms. Hinckley confirmed the program had been using their own exam.

MOTION: To accept the report and adopt the recommendations as follows:

1. Place Sierra Pacific College VN Program on provisional approval for the two-year period from May 11, 2012, through May 31, 2014, and issue a notice to the program to identify specific areas of noncompliance and requirements for correction as referenced in Section 2526.1 (e) of the CCR (see Attachment D).
2. Require the program to bring its average annual pass rate to no more than ten percentage points below the State average annual pass rate.
3. Require the program to submit follow-up reports in nine months, but no later than February 1, 2013, and 21 months, but no later than February 1, 2014. The reports must include a comprehensive analysis of the program, specific actions taken to improve program pass rates,

timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.

- a. Admission Criteria .
 - b. Screening and Selection Criteria.
 - c. Terminal Objectives.
 - d. Curriculum Objectives.
 - e. Instructional Plan.
 - f. Theory and Clinical Objectives for Each Course.
 - g. Lesson Plans for Each Course.
 - h. Textbooks.
 - i. Attendance Policy.
 - j. Remediation Policy.
 - k. Evaluations of Theory and Clinical Faculty.
 - l. Evaluations of Theory Presentations.
 - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
 - n. Evaluation of Student Achievement.
 - o. Current Enrollment.
4. Require the program to comply with all approval standards in Article 4 of the VN Practice Act, commencing at B&P Code Section 2880, and Article 5 of the Board's Regulations, commencing at CCR, Title 16, Section 2526.
 5. Require the program to demonstrate incremental progress in correcting the violation. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
 6. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
 7. Approve Sierra Pacific College, VN Program's request to admit 15 students commencing on June 11, 2012 and graduating on June 28, 2013 to replace students who graduated on February 8, 2012.
 8. Require the program to admit no additional students without prior approval by the full Board.
 9. Place the program on the May 2014 Board agenda for reconsideration of provisional approval.

Moved/Seconded: John Vertido/Eric Mah

Support: 6 **Oppose:** 0 **Abstain:** 0

12.B.1. Advanced College VN Program – Consideration of Request to Admit Students

Ms. Hinckley reported that the program was placed on provisional approval on February 25, 2011, due to noncompliance with regulatory requirements relative to licensure pass rates. The Board rescinded the program's approval for ongoing admissions.

On February 24, 2012, the Board denied Advanced College VN Program's request to admit 45 students commencing February 27, 2012; and continued to require the program to obtain Board approval prior to the admission of each class. That action resulted from the program's failure to comply with corrective actions required by the Board at the time of placement on provisional accreditation and specified in the Notice of Change in Accreditation Status, dated April 5, 2011. Specifically, the program failed to submit the required follow - up report.

The required follow-up report has been submitted. Since placement on provisional approval, the program's average annual licensure pass rate has improved 15 percentage points.

The program is currently requesting approval to admit 30 students on May 29, 2012, graduating May 19, 2013, to replace students that graduated May 27, 2012. Additionally, the program is requesting approval to admit 30 students on October 1, 2012, graduating September 22, 2013.

Program Representatives:

Minnie Douglas, Program Director, Mona Karimpour, MD, Program Psychiatrist

- Ms. Douglas said the program appreciates the Board's diligence in holding the programs responsible for following regulations. It has never been her program's intention to deviate from regulations. She also is appreciative of all the support the Board and NECs have given.
- Ms. Douglas reported that the program had conducted their own investigation to determine why some of their graduates delayed taking the NCLEX® for several months. The results showed that many students had high anxiety and stress levels related to test taking. To help the students overcome this, the program has hired a board-certified psychiatrist to assist students with overcoming anxiety prior to test taking.

Public Comment: None received.

Board Discussion:

- Mr. D'Braunstein inquired relative to the program's outreach to former students. Ms. Douglas stated former students incur no costs for test preparation. Further, she reported that the program had begun an alumni association.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve the Advanced College VN Program's request to admit 30 students on May 29, 2012, only, graduating May 19, 2013, to replace students that graduated May 27, 2012.
2. Defer the authority to the EO to consider the program's request to admit a class of 30 students commencing on October 1, 2012, graduating September 22, 2013, contingent on the program's continued improvement in its' average annual pass rates on the NCLEX-PN .
3. Continue to require the program to admit no additional students unless approved by the Board.

Moved/Seconded: John Vertido/Ling-Ling Chang

Support: 6 **Oppose:** 0 **Abstain:** 0

12.B.2. Bay Area College of Nursing, Palo Alto, VN Program Consideration of Request to Admit Students

Ms. Anderson reported that the program was placed on provisional approval on November 10, 2011, due to noncompliance with regulatory requirements relative to licensure pass rates and directed to admit no additional students without approval by the full Board.

Since placement on provisional approval, major changes have been made in critical elements of the program, all aimed at improvement of students' ability to succeed in achievement of knowledge and skills necessary to become a safe entry-level licensee and to improve the pass rates of program graduates. Approval of the requested 20 students will allow the program an opportunity to demonstrate that its major programmatic changes will improve the overall success of the program and improve licensure pass rates.

The program is currently requesting approval to admit 20 students plus two alternates into an evening class commencing May 15, 2012, and graduating July 21, 2013, to replace students that graduated February 24, 2012.

Program Representative:

Rachelle Cagampan, Program Director

- Ms. Cagampan thanked Board staff for their assistance and voiced support of the recommendations.

Public Comment: None received.

Board Discussion:

- Mr. Mah inquired as to advantages of approval of a class of 20 versus 15 students. He asked if it was because of the programs 8% increase in their pass rates. Ms. Anderson responded in the affirmative and also stated the program must have students present in order to improve.
- Mr. Vertido responded that smaller classes allowed better quality of instruction. Further, a class size of 20 students allows programs to provide a 1:10 ratio of instructors-to-students. That ratio is typically required of clinical facilities.
- Mr. Vertido stated that consistency in program performance statistics is required. The director responded that the performance of past graduates negatively impacts the program's pass rate statistics.
- Mr. Baucom advised the director that the program must shepherd all program graduates through testing.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve the Bay Area College of Nursing, Palo Alto, VN Program's request to admit 20 students plus two alternates into an evening class commencing May 15, 2012 and graduating July 21, 2013 to replace students who graduated on February 24, 2012.
2. Continue to require the program to admit no additional students unless approved by the full Board.

Moved/Seconded: Kevin Baucom/John Vertido

Support: 6 **Oppose:** 0 **Abstain:** 0

12.B.3. Healthcare College of California VN Program – Consideration of Request to Admit Students

Ms. Hinckley reported that the program was placed on provisional approval on September 9, 2011, due to noncompliance with regulatory requirements relative to licensure pass rates and directed to admit no additional students without approval by the full Board.

Fifteen students graduated December 31, 2011. Those students were admitted utilizing new policies listed in the program's plan to improve pass rates. Licensure data for these students should be available approximately July of 2012. Fifteen students are currently enrolled and are expected to graduate in September 2012.

The program is currently requesting approval to admit 20 full-time students on May 14, 2012, graduating on March 2, 2013, to replace a class that graduated December 31, 2011.

Program Representatives:

Milva Quial, Director; Efrem Quial, School Administrator

- M. Quial expressed concern that the program will have no students enrolled after September 2012.
- E. Quial expressed concern that Board staff advised that the program's plan of correction involving the presentation of four different NCLEX reviews is insufficient.

Public Comment: None received.

Board Discussion:

- Mr. Mah asked if there is any advantage to having 15 students rather than 20. The NEC explained that most clinical sites limit students to 10 per instructor at any one time.
- Mr. Baucom advised program representatives that a review class is insufficient to correct the program's noncompliance with regulatory requirements. Critical elements impacting student achievement must be analyzed and corrective action taken.
- Mr. Vertido commented that the program is moving in the right direction and showing a little improvement. He said he would like to see consistency from this program and suggested they graduate the same number of students as the number they admit to each class. He suggested the program use good screening of the students and good instructors.
- Mr. Baucom reminded the program the students will be more successful if they test soon after graduation, rather than waiting.

MOTION: To accept the report, add this program to the September 2012 Board Meeting agenda, and adopt the recommendations as follows:

1. Deny the program's request to admit 20 full-time students on May 14, 2012, graduating March 2, 2013, to replace a class that graduated December 31, 2011.
2. Require the program to continue to admit no additional students unless approved by the full Board.

Moved/Seconded: Kevin Baucom/Eric Mah

Support: 5 **Oppose:** 0 **Abstain:** 1

12.B.4. High Desert Medical College VN Program – Consideration of Request to Admit Students

Ms. Hinckley reported that the program was placed on provisional approval on November 10, 2011, due to noncompliance with regulatory requirements relative to licensure pass rates for 18 of 23 quarters.

Based on the most recent program performance statistics, the program's quarterly pass rate is 63% and the average annual pass rate is 64%. This is 10 percentage points below the state average annual pass rate. Since being placed on Provisional Approval on November 10, 2011, the program's average annual pass rate has increased three percentage points.

The program has been trying to revise their curriculum since November 2011. While many attempts have been made, to date, submitted documents continue to contain multiple errors as they pertain to correlation of hours on the Summary of Hours, Content Worksheets, Conceptual Framework, and Instructional Plan. Until these problems are resolved, the curriculum revision remains incomplete and cannot be approved by the EO.

The program currently is requesting Board approval to admit 20 part-time students on May 18, 2012, graduating on November 20, 2013, to replace students that graduated March 18, 2012. Additionally, the program is requesting to admit 20 full-time students on June 4, 2012, graduating July 12, 2013, to replace a class that graduated March 26, 2012.

Program Representative:

Carol Williams, Director; Lee Ann Rohman, Principal

- Ms. Williams stated the program agrees 100% with the recommendations.

Public Comment: None received.

Board Discussion:

- Mr. Vertido asked Ms. Hinckley if this program is still out of compliance. She responded that they are out of compliance.
- Mr. Vertido requested clarification as to why the program appears on the Board's agenda. Ms. Williams responded that a part-time class is requested due to students' requests.
- Mr. Baucom again requested clarification as to the program's placement on the agenda. Ms. Williams responded that the program requests approval to admit a part-time class.
- Mr. Vertido stated the Board had denied approval of the part time class in February 2012 and directed the program to concentrate on the full-time class. The program's actions following the Board meeting suggest a lack of understanding of the Board's decisions.

MOTION: To accept the report and adopt the recommendations as follows:

1. Defer action on the program's request to admit 20 part-time and 20 full-time students to replace students that graduated on March 18, 2012 and March 26, 2012, to the EO contingent on approval of the Instructional Plan and the program's continued improvement in its average annual pass rate. Class start and end dates will be determined at that time.
2. Continue to obtain approval by the full Board prior to the admission of additional classes.

Moved/Seconded: Ling-Ling Chang/Eric Mah

Support: 6 **Oppose:** 0 **Abstain:** 0

12.B.5. Southern California Medical College VN Program – Consideration of Request to Admit Students

Ms. Hinckley reported that the program was placed on provisional approval on November 10, 2011, due to noncompliance with regulatory requirements relative to licensure pass rates and required to admit no additional students unless approved by the full Board. At that time, the program's quarterly pass rate was 0% and its average annual pass rate was 20%, 56 percentage points below the state average annual pass rate.

Based on the most recent program performance statistics, the program's average annual pass rate is 52%, 22 percentage points below the state average annual pass rate. Although low, the program's average annual pass rate increased 32 percentage points since placement on provisional approval.

The program currently requests Board approval to admit 20 full - time students on June 11, 2012, graduating July 1, 2013.

Program Representative:

Nomar Tongco, Director

- Mr. Tongco thanked Board members and staff for their assistance

Public Comment: None received.

Board Discussion:

- Mr. Vertido commended the director on the marked improvement in the program's average annual pass rate and stressed the importance of consistency.
- The EO commended the director on the program's improved pass rates and stressed the importance of program's completing the requested comprehensive analysis, identification of problems, and process for improvement.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve the Southern California Medical College VN Program's request to admit a class of 20 full-time students on June 11, 2012, graduating on July 1, 2013.
2. Continue to obtain approval by the full Board prior to the admission of additional classes.

Moved/Seconded: John Vertido/Ling-Ling Chang

Support: 6 **Oppose:** 0 **Abstain:** 0

12.B.6. Valley College of Medical Careers VN Program – Consideration of Request to Admit Students

Ms. Hinckley reported that the program was placed on provisional approval on November 10, 2011, due to noncompliance with regulatory requirements relative to licensure pass rates and required to admit no additional students unless approved by the full Board. At that time, the program's quarterly pass rate was 43% and its average annual pass rate was 62%.

Based on the most recent program performance statistics, the program's quarterly pass rate is 40% and the average annual pass rate is 45%. As such, the program's quarterly pass rate has decreased three (3) percentage points and its average annual pass rate decreased 17 percentage points since placement on provisional approval.

The program currently requests Board approval to admit 20 full-time students on June 11, 2012, graduating July 1, 2013.

Program Representative:

Dr. Tricia Devin, Chief Academic Officer; Tony Pina, Administrator

- Dr. Devin reported extensive experience in curriculum development and that she had submitted her application as program director on May 4, 2012. Additionally, information was presented relative to identified problems negatively impacting student achievement. Dr. Devin has reviewed the existing curriculum and feels she will be able to make improvements. She also has apprehensions about the program's current pass rates and feels that the pass rates will greatly improve in the next year. In addition, she expressed concerns about what will happen to the students who wish to return for remediation if the program is not given the approval it seeks. She is also bringing in all new faculty as she would like to see more specialization in skills.

Public Comment: None received.

Board Discussion:

- Mr. D'Braunstein asked if Dr. Devin was the program director applicant referred to by the NEC. Ms. Hinckley responded in the affirmative, however Dr. Devin has not met all requirements for approval.
- Mr. D'Braunstein asked for clarification regarding the students who want to return for remediation and asked Dr. Devin if he understood her to say the students would not be able to return unless an evening class is granted. She replied in the affirmative.
- Mr. Baucom asked how soon Dr. Devin's application could be approved. The NEC responded that it could be approved quickly, provided all requirements have been met.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve the Valley College of Medical Career's request to admit a class of 15 full-time, day students on May 14, 2012, graduating on September 30, 2013, to replace a class that graduated November 6, 2011.

2. Deny the program's request to admit a class of 15 full-time, evening, students on July 9, 2012, graduating on December 16, 2013, to replace the day class that graduated November 27, 2011.
3. Continue to obtain approval by the full Board prior to the admission of additional classes.

Moved/Seconded: John Vertido/Ling-Ling Chang

Support: 6 **Oppose:** 0 **Abstain:** 0

12.B.7. West Med College, Merced, VN Program – Consideration of Request to Admit Students

Ms. Hinckley reported that on February 24, 2012, the Board placed the program on Provisional Approval for the two-year period from February 24, 2012 through February 28, 2014. The program was required to bring its average annual pass rate to no more than ten percentage points below the state average annual pass rate for four consecutive quarters by January 2, 2014. The program was required to admit no additional students unless approved by the full Board.

The program currently requests Board approval to admit 30 full-time students on June 4, 2012, graduating June 27, 2013, to replace students that graduated on November 23, 2011.

Program Representative:

Tracey Jensen, Director

Public Comment: None received.

Board Discussion:

- Mr. Vertido referenced the program's 10 unapproved class starts and asked Ms. Hinckley if she is comfortable with approving a new class start with 30 students. Ms. Hinckley confirmed that she is comfortable with that number.
- Mr. Mah asked the director if a class size of 20 students had been considered. Ms. Jensen responded that a class of 30 students is requested.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve West Med College, Merced, VN Program's request to admit a class of 30 full-time students on June 4, 2012, graduating June 27, 2013, to replace students that graduated on November 23, 2011.
2. Continue to require the program to admit no additional students unless approved by the full Board.

Moved/Seconded: John Vertido/Kevin Baucom

Support: 6 **Oppose:** 0 **Abstain:** 0

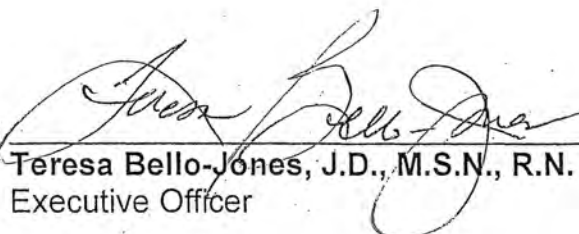
13.PUBLIC COMMENT PERIOD

- Dr. Ike Muonekwu, Administrator, Proposed Advanced Medical School of Nursing VN Program, recommended that all new Program Directors and administrators be required to attend Board Meetings in order to learn from the mistakes of others. He also suggested Directors be required to attend Directors' Forums.
- Dr. Abdul Yosef complimented the Board for webcasting Regular Board Meetings.

14.ADJOURNMENT

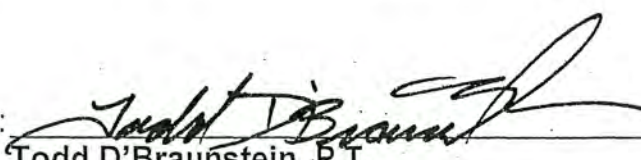
The meeting adjourned at 3:40 p.m.

Prepared by:


Teresa Bello-Jones, J.D., M.S.N., R.N.
Executive Officer

Date: 9-6-12

Approved by:


Todd D'Braunstein, P.T.
President

Date: 9-6-12